

REGER & RIZZO, LLP

By: **Richard M. Darnall, Esquire (RD 2726)**

800 Kings Highway North, Suite 203

Cherry Hill, New Jersey 08034

(856) 779-2799

Attorneys for Defendant, The Phillies (improperly plead as "Philadelphia Phillies")

RECEIVED-CLERK
U.S. DISTRICT COURT
2005 MAY -2 P 3:44

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY, CAMDEN VICINAGE**

Plaintiff,

JASON WILLIAMS

v.

Defendants,

PHILADELPHIA PHILLIES

Civil Action No.: **05cv 2346(JHR)**

**NOTICE OF REMOVAL TO THE
UNITED STATES DISTRICT COURT**

TO:

THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY, CAMDEN VICINAGE

PLEASE TAKE NOTICE that, for the reasons set forth below, Defendant, The Phillies, file this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446, to remove this matter from the Superior Court of New Jersey, Atlantic County, Law Division, to the United States District Court, District of New Jersey, Camden Vicinage. See statement appended below for the addresses of the parties in accordance with Local Civil Rule 10.1. In support of the Notice to Removal, Defendant states as follows:

1. On or March 28, 2005, Plaintiff, Jason Williams, commenced an action against Defendant in the Superior Court of New Jersey, Atlantic County, Law Division, captioned *Williams v. Philadelphia Phillies*, Docket No.: ATL-L-002187-05. True and correct copies of the Summons and Complaint are attached hereto as Exhibits "A" and "B."

2. On or about April 5, 2005, Plaintiff's counsel forwarded copies of the Summons and Complaint in this matter via Certified Mail, Return Receipt Requested, to Philadelphia Phillies, Citizen's Bank Park, Philadelphia, Pennsylvania 19148. A true and correct copy of Plaintiff's

correspondence is attached hereto as Exhibit "C." The Summons and Complaint were received by Defendant, The Phillies, on April 7, 2005. Pursuant to 28 U.S.C. 1446(b), "the Notice of Removal of a Civil Action or proceeding shall be filed within thirty (30) days after the receipt by the Defendant, through service or otherwise, of a copy of the initial pleading." As Defendant is filing this Notice of Removal within thirty (30) days of receipt of the Summons and Complaint, removal is timely pursuant to 28 U.S.C. 1446(b).

3. In removing this matter to Court, Defendant is not waiving any defenses or objections to proper service in this matter.

4. This action is removable to this Court pursuant to 28 U.S.C. § 1446(a) in that the United States District Court for the District of New Jersey, Camden Vicinage, embraces the location where the State Court action is pending - Atlantic County. (See Exhibits "A" and "B").

5. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be filed with the Clerk of the Superior Court of New Jersey, Atlantic County, Law Division, and written notice of the filing of this Notice of Removal will be given to counsel for Plaintiff.

6. Plaintiff alleges that on April 5, 2003, he was hit by a foul ball during batting practice while attending a game between The Phillies and the Pittsburgh Pirates.

7. Plaintiff is alleged to be a resident of New Jersey, residing to 269 West Louis Avenue, City of Egg Harbor, County of Atlantic, State of New Jersey, as set forth in the Complaint. (See Exhibit "B").

8. The Phillies are a limited partnership organized in the Commonwealth of Pennsylvania, with a principle place of business located at Citizen's Bank Park, One Citizen's Bank Way, Philadelphia, Pennsylvania 19148.

9. This matter is therefore removable to the United States District Court, District of New Jersey, Camden Vicinage, based upon diversity of citizenship, 28 U.S.C. 1332.

10. Plaintiff has refused to stipulate that his damages are below Seventy-Five Thousand Dollars (\$75,000.00) and, as a result, Defendant is proceeding with the understanding that the damages are alleged to exceed Seventy-Five Thousand Dollars (\$75,000.00).

WHEREFORE, the Defendant requests that the action now pending in the Superior Court of New Jersey, Atlantic County, Law Division, be removed to this Court, and that this Court accept this Notice of Removal for filing in accordance with the provision of 28 U.S.C. § 1441, *et seq.*

Respectfully submitted,

REGER & RIZZO, LLP

DATED: Monday, May 2, 2005

By: 
RICHARD M. DARNALL, ESQUIRE (RD 2726)
Attorneys for Defendant,
The Phillies

STATEMENT OF ADDRESS PURSUANT TO LOCAL CIVIL RULE 10.1

Pursuant to Local Civil Rule 10.1, the undersigned attorneys for the Defendant state the known addresses of the parties as follows:

Plaintiff

Mr. Jason Williams
269 West Louis Avenue
Egg Harbor City, New Jersey 08215

Defendant

The Phillies
Citizen's Bank Park
One Citizen's Bank Way
Philadelphia, Pennsylvania 19148

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

Pursuant to Local Civil Rule 11.2, the undersigned attorneys for Defendant hereby certify that the matter in controversy is not the subject of any other action pending in any Court, or of any pending arbitration or administrative proceeding.

Respectfully submitted,

REGER & RIZZO, LLP

DATED: Monday, May 2, 2005

By: 
RICHARD M. DARNALL, ESQUIRE (RD 2726)
Attorneys for Defendant,
The Phillies

CERTIFICATE OF SERVICE

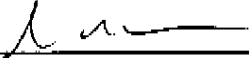
I, Richard M. Darnall, Esquire, hereby certify that on Monday, May 2, 2005, I caused a true copy of the foregoing Notice of Removal to the United States District Court, District of New Jersey, Camden Vicinage to be served via Court House Legal Services, Inc. for Monday, May 2, 2005 delivery upon attorneys for Plaintiff, Barry D. Cohen, Esquire, Petro Cohen Petro Matarazzo, P.C., The Executive Plaza, Suite 202, 2111 New Road, Northfield, New Jersey 08225.

Respectfully submitted,

REGER & RIZZO, LLP

DATED: Monday, May 2, 2005

By:


RICHARD M. DARNALL, ESQUIRE (RD 2726)
Attorneys for Defendant,
The Phillies

REGER & RIZZO, LLP

By: **Richard M. Darnall, Esquire (RD 2726)**

800 Kings Highway North, Suite 203

Cherry Hill, New Jersey 08034

(856) 779-2799

Attorneys for Defendant, The Phillics (improperly plead as, "Philadelphia Phillies")

Plaintiff,

JASON WILLIAMS

v.

Defendants,

PHILADELPHIA PHILLIES

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION - ATLANTIC COUNTY

: DOCKET NO.: ATL-L-002187-05

: Civil Action

: **CERTIFICATION PURSUANT TO**
: **RULE 4:6-1**

I, RICHARD M. DARNALL, ESQUIRE, certify as follows:

1. I am an attorney at law in the State of New Jersey and a partner at the law firm of Reger & Rizzo, LLP, attorneys for Defendant, The Phillies. As such, I am familiar with the facts stated herein.

2. I certify that on Monday, May 2, 2005, I transmitted via hand delivery an original and three (3) copies of the Notice of Filing of Notice of Removal, and a Certificate of Service to be filed with the Clerk of the Superior Court of New Jersey, Atlantic County, Law Division, 1201 Bacharach Boulevard, Atlantic City, New Jersey 08401.

3. I further certify that on Monday, May 2, 2005, I caused a copy of the same documents to be served upon Barry D. Cohen, Esquire, Petro Cohen Petro Matarazzo, P.C., The Executive Plaza, Suite 202, 2111 New Road, Northfield, New Jersey 08225, via Federal Express for Monday, May 2, 2005 delivery.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

REGER & RIZZO, LLP

DATED: Monday, May 2, 2005

By: 

RICHARD M. DARNALL, ESQUIRE (RD 2726)
Attorneys for Defendant,
The Phillics

REGER & RIZZO, LLP

By: **Richard M. Darnall, Esquire (RD 2726)**

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Cherry Hill, New Jersey 08034

(856) 779-2799

Attorneys for Defendant, The Phillies (improperly plead as, "Philadelphia Phillies")

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY, CAMDEN VICINAGE**

Plaintiff,

JASON WILLIAMS

v.

Defendants,

PHILADELPHIA PHILLIES

Civil Action No.:

**RULE 7.1 CORPORATE
DISCLOSURE STATEMENT OF
DEFENDANT, THE PHILLIES**

Pursuant to Fed. R. Civ. P. 7.1(a), Defendant, The Phillies, hereby submits the following corporate disclosure statement:

"The Phillies are a limited partnership organized in the Commonwealth of Pennsylvania. As such, they are not a publicly held corporation, and no publicly held company holds ten percent (10%), or more, of the partnership."

Respectfully submitted,

REGER & RIZZO, LLP

DATED: Monday, May 2, 2005

By: 

RICHARD M. DARNALL, ESQUIRE (RD 2726)

Attorneys for Defendant,
The Phillies

CERTIFICATE OF SERVICE


I, Richard M. Darnall, Esquire, hereby certify that on Monday, May 2, 2005, I caused a true copy of the foregoing Corporate Disclosure Statement of Defendant, The Phillies, to be served via Court House Legal Services, Inc. for Monday, May 2, 2005 delivery upon attorneys for Plaintiff, Barry D. Cohen, Esquire, Petro Cohen Petro Matarazzo, P.C., The Executive Plaza, Suite 202, 2111 New Road, Northfield, New Jersey 08225.

Respectfully submitted,

REGER & RIZZO, LLP

DATED: Monday, May 2, 2005

By:


RICHARD M. DARNALL, ESQUIRE (RD 2726)
Attorneys for Defendant,
The Phillies

2005/05-0399/notice of removal-2005.05.02

REGER & RIZZO, LLP
By: **Richard M. Darnall, Esquire (RD 2726)**
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Cherry Hill, New Jersey 08034
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Attorneys for Defendant, The Phillies (improperly plead as, "Philadelphia Phillies")

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|-----------------------|---|--------------------------------|
| Plaintiff, | : | SUPERIOR COURT OF NEW JERSEY |
| JASON WILLIAMS | : | LAW DIVISION - ATLANTIC COUNTY |
| | : | |
| v. | : | DOCKET NO.: ATL-L-002187-05 |
| | : | |
| Defendants, | : | Civil Action |
| PHILADELPHIA PHILLIES | : | NOTICE OF FILING OF |
| | : | NOTICE OF REMOVAL |

TO:

Clerk, Law Division
SUPERIOR COURT OF NEW JERSEY
ATLANTIC COUNTY COURTHOUSE
1201 Bacharach Boulevard
Atlantic City, New Jersey 08401


PLEASE TAKE NOTICE that on Monday, May 2, 2005, Defendant, The Phillies, filed a Notice of Removal, a copy of which is attached hereto, in the office of the Clerk of the United States District Court for the District of New Jersey, Camden Vicinage.

PLEASE TAKE FURTHER NOTICE that pursuant to 28 U.S.C. § 1446, the filing of such Notice of Removal in the United States District Court, together with the filing of a copy of this Notice with this Court, effects removal of this action and this Court may proceed no further unless and until this case is remanded.

Respectfully submitted,

REGER & RIZZO, LLP

DATED: Monday, May 2, 2005

By: 
RICHARD M. DARNALL, ESQUIRE (RD 2726)
Attorneys for Defendant,
The Phillies